REMARKS

Applicant thanks the Patent Office for initialing the references listed on the PTO-1449 forms submitted with the Information Disclosure Statements filed on April 9, 2003 and June 5, 2003, respectively, thereby confirming that the listed references have been considered.

Applicant requests that the Patent Office consider the document authored by Taiichiro Kurita entitled *Degradation of Quality of Moving Images Displayed on Hold Type Displays and Its Improving Method* listed the PTO-1449 form submitted with the Information Disclosure Statement filed on October 12, 2001. A duplicate copy of the October 12, 2001 PTO-1449 form is enclosed herewith. Applicant respectfully requests that the Patent Office consider this document and indicate such consideration in the next Patent Office communication.

Applicants herein editorially amend claims 1, 3, 8, 13 and 18-20 for reasons of precision of language. The amendments to claims 1, 3, 8, 13 and 18-20 were made merely to more accurately claim the present invention and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1, 3, 8, 13 and 18-20 were not made for reasons of patentability.

Applicants herein add new claims 21-25. No new matter has been added to the application by new claims 21-25. An Excess Claims Fee Payment Letter is being concurrently filed with this Amendment. Entry and consideration of the new claims 21-25 is respectfully requested.

Claims 1-9 and 11-25 are all the claims presently pending in the application.

1. Claims 1-3, 8, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ogawa (U.S. Patent No. 6,597,339). Applicant traverses the rejection of claims 1-3, 8, 13 and 14, and insofar as the rejection might apply to new claims 21-25, for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Ogawa fails to teach or suggest setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image, as recited in claim 1. Ogawa discloses, *inter alia*, that the shutter switch (32) is a switch operated to instruct a shift to a mode for activating a camera, or to acquire a still image in the camera operation mode. *See, e.g.*, col. 4, lines 49-52 of Ogawa. Further, Ogawa fails to disclose that the camera displays dynamic images with the backlight drive circuit (24) set to 100%

brightness, but instead displays the acquired image (*i.e.*, the still image) with the backlight drive circuit (24) set to 100% brightness.

Based on the foregoing reasons, Applicant submits that Ogawa fails to disclose all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Ogawa clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicant submits that claim 1 allowable, and further submits that claim 2 is allowable as well, at least by virtue of its dependency from claim 1. Applicant respectfully requests that the Patent Office withdraw the § 102(e) rejection of claims 1 and 2.

With respect to independent claim 3, Applicant submits that claim 3 is allowable for at least the same reasons discussed above with respect to claim 1, in that Ogawa fails to teach or suggest setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image, as recited in claim 3. Therefore, under *Hybritech* and *Richardson*, Applicant submits that claim 3 is allowable, and further submits that claims 8, 13 and 14 are allowable as well, at least by virtue of their dependency from claim 3. Applicant respectfully requests that the Patent Office withdraw the § 102(e) rejection of claims 3, 8, 13 and 14.

With respect to independent claim 21, Applicant submits that Ogawa fails to teach or suggest activating the scanning lines of a liquid crystal display at least two times during one frame period and supplying unrelated image data to the signal lines of a liquid crystal display during one of those two times. Thus, Applicant submits that new claim 21 is allowable, and

further submits that claims 22-25 are allowable as well, at least by virtue of their dependency from new independent claim 21.

2. Claims 4-7 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Furuhashi *et al.* (U.S. Patent No. 5,818,409). Applicants traverse the rejection of claims 4, 7 and 9, and insofar as the rejection might apply to new claims 21-25, for at least the reasons discussed below.

The initial burden of establishing that a claimed invention is *prima facie* obvious rests on the USPTO. *In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). To make its *prima facie* case of obviousness, the USPTO must satisfy three requirements:

a) The prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated to artisan to modify a reference or to combine references. *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

b) The proposed modification of the prior art must have had a reasonable expectation of success, as determined from the vantage point of the artisan at the time the invention was made. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209 (Fed. Cir. 1991).

c) The prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991); *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

The motivation, suggestion or teaching may come explicitly from statements in the prior

art, the knowledge of one of ordinary skill in the art, or, the nature of a problem to be solved. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Alternatively, the motivation may be implicit from the prior art as a whole, rather than expressly stated. *Id.* Regardless of whether the USPTO relies on an express or an implicit showing of motivation, the USPTO is obligated to provide particular findings related to its conclusion, and those findings must be clear and particular. *Id.* A broad conclusionary statement, standing alone without support, is not "evidence." *Id.; see also, In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

In addition, a rejection cannot be predicated on the mere identification of individual components of claimed limitations. *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000). Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Id.*

The Patent Office acknowledges that Ogawa fails to disclose a display panel comprised of a plurality of cells and scanning lines. The Patent Office alleges that Furuhashi *et al.* provides the necessary disclosure to overcome the acknowledged deficiencies of Ogawa. Applicant notes that Furuhashi *et al.* were not cited as providing any disclosure with respect to setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image.

The combination of Ogawa and Furuhashi *et al.* does not teach or suggest setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image, as recited in claim 3 and included in claims 4-7

and 9 via dependency. At best, the combination of Ogawa and Furuhashi *et al.* discloses a camera having a display panel comprised of a plurality of cells and scanning lines that is backlit to a particular brightness for the display of static images. There is no teaching or suggestion in the combination of Ogawa and Furuhashi *et al.* that the brightness level of the backlit display panel is based upon whether a static image is displayed or a dynamic image is displayed. Thus, Applicant submits that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck.*

Applicant submits that one of ordinary skill in the art would not be motivated to combine the two references. The Patent Office must make specific factual findings with respect to the motivation to combine references. *In re Lee*, 277 F.3d 1338, 1342-44 (Fed. Cir. 2002). Although the Patent Office provides a motivation analysis with respect to the composition of the liquid crystal display panel, both Ogawa and Furuhashi *et al.* lack any teaching about the desirability of setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image. Thus, Applicant submits that the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko.*

Based on the foregoing reasons, Applicant submits that the combination of Ogawa and Furuhashi *et al.* fails to disclose all of the claimed elements as arranged in claim 3, and included via dependency in claims 4-7 and 9. Thus, Applicant submits that claims 4-7 and 9 are allowable, and respectfully requests that the Patent Office withdraw the § 103(a) rejection of claims 4-7 and 9.

With respect to independent claim 21, Applicant submits that that combination of Ogawa and Furuhashi *et al.* fails to teach or suggest activating the scanning lines of a liquid crystal display at least two times during one frame period and supplying unrelated image data to the signal lines of a liquid crystal display during one of those two times. Thus, Applicant submits that new claim 21 is allowable, and further submits that claims 22-25 are allowable as well, at least by virtue of their dependency from new independent claim 21.

3. Claims 11, 12 and 15-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Furuhashi *et al.* and in further view of Hirano (U.S. Patent No. 5,894,304). Applicant traverses the rejection of claims 11, 12 and 15-20, and insofar as the rejection might apply to new claims 21-25, for at least the reasons discussed below.

The Patent Office acknowledges that the combination of Ogawa and Furuhashi *et al.* fails to disclose a memory storing a first threshold value, as well as a comparator and detector detecting a ratio of the display panel. The Patent Office alleges that Hirano provides the necessary disclosure to overcome the acknowledged deficiencies of the combination of Ogawa and Furuhashi *et al.* Applicant notes that Hirano was not cited as providing any disclosure with respect to setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image.

The combination of Ogawa, Furuhashi *et al.* and Hirano does not teach or suggest setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image, as recited in claim 3 and included in

claims 11, 12 and 15-20 via dependency. At best, the combination of Ogawa, Furuhashi *et al.* and Hirano discloses a camera having a display panel comprised of a plurality of cells and scanning lines that is backlit to a particular brightness for the display of static images. There is no teaching or suggestion in the combination of Ogawa, Furuhashi *et al.* and Hirano that the brightness level of the backlit display panel is based upon whether a static image is displayed or a dynamic image is displayed. Moreover, Hirano lacks any disclosure with respect to an image discriminating unit that detects if image data is dynamic image data, and the division of image data from first and second frames into detecting blocks on a liquid crystal display panel. Thus, Applicant submits that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck.*

Applicant submits that one of ordinary skill in the art would not be motivated to combine the references. The Patent Office must make specific factual findings with respect to the motivation to combine references. *In re Lee*, 277 F.3d 1338, 1342-44 (Fed. Cir. 2002). Although the Patent Office provides a motivation analysis with respect to the composition of the liquid crystal display panel, both Ogawa, Furuhashi *et al.* and Hirano lack any teaching about the desirability of setting the brightness of a back light of a liquid crystal display panel to a particular brightness setting when the display panel is presenting a dynamic image. Thus, Applicant submits that the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko.*

Based on the foregoing reasons, Applicant submits that the combination of Ogawa, Furuhashi *et al.* and Hirano fails to disclose all of the claimed elements as arranged in claim 3,

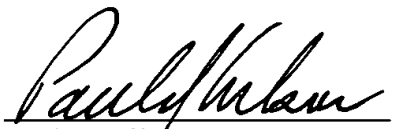
and included via dependency in claims 11, 12 and 15-20. Thus, Applicant submits that claims 11, 12 and 15-20 are allowable, and respectfully requests that the Patent Office withdraw the § 103(a) rejection of claims 11, 12 and 15-20.

With respect to independent claim 21, Applicant submits that that combination of Ogawa, Furuhashi *et al.* and Hirano fails to teach or suggest activating the scanning lines of a liquid crystal display at least two times during one frame period and supplying unrelated image data to the signal lines of a liquid crystal display during one of those two times. Thus, Applicant submits that new claim 21 is allowable, and further submits that claims 22-25 are allowable as well, at least by virtue of their dependency from new independent claim 21.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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